






Doc Code: AP.PRE.REQ

PTO/SB/33 (12-08)  
Approved for use through 01/31/2009. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) IRD-0004										
	Application Number 10/521,166-Conf. #5678	Filed January 14, 2005										
	First Named Inventor Hiroshi Morikawa											
	Art Unit 2625	Examiner B. D. REINIER										
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table><tr><td><input type="checkbox"/> applicant /inventor.</td><td rowspan="2"> Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,029</td><td>Maulin M. Patel Typed or printed name</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</td><td>(202) 955-3750 Telephone number</td></tr><tr><td></td><td>February 6, 2009 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of 1 forms are submitted.</p>				<input type="checkbox"/> applicant /inventor.	 Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,029	Maulin M. Patel Typed or printed name	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	(202) 955-3750 Telephone number		February 6, 2009 Date
<input type="checkbox"/> applicant /inventor.	 Signature											
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)												
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,029	Maulin M. Patel Typed or printed name											
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	(202) 955-3750 Telephone number											
	February 6, 2009 Date											



Docket No.: IRD-0004  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Hiroshi Morikawa

Application No.: 10/521,166

Confirmation No.: 5678

Filed: January 14, 2005

Art Unit: 2625

For: OUTPUT APPARATUS AND PROGRAM  
THEREOF

Examiner: B. D. REINIER

**REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF REJECTION**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This request for Pre-Appeal Panel Review is in response to the Final Office Action dated October 1, 2008 and received in this application. Applicant has concurrently filed a Notice of Appeal regarding all outstanding grounds of rejection and will file an Appeal Brief in due course. However, it is anticipated that Panel Review will obviate the need for the filing a Brief.

Due to the space constraints imposed in presenting Applicant's position, various claims are referenced below, but cannot be fully reproduced. The pending claims are of record and are reflected in the listing of claims in the previously filed Request for Reconsideration. It is believed that actual appreciation of the claims will result in a conclusion that various rejections of independent and dependent claims as noted below merit reversal, in light of the following remarks.

As an initial matter of clarification, in the Advisory Action dated December 24, 2008, the Examiner notes the rejections under 35 U.S.C. § 112, ¶ 2, have been withdrawn. Applicant is proceeding on the belief that these rejections have been withdrawn and requests confirmation of this on the next paper.

Claims 3, 17, 22, 25, and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishida et al (US 6,232,978, hereinafter referred to as "Ishida '978") in view of Okazaki et al (US 4,736,399, hereinafter referred to as "Okazaki '399"). Applicant respectfully traverses this rejection.

Okazaki '399 does not remedy the deficiencies of Ishida '978, as the various features recited above are also absent from Okazaki '399. For example, Applicant's claimed features of "a bitmap data storage unit for storing bitmap data before transformation" and "a data production unit for producing bitmap data after transformation based on an inverse function of a certain calculation, said bitmap data before transformation, and said first vector data," are neither disclosed or suggested by Okazaki '399.

Okazaki '399 is silent about a color determination unit for determining a color of a position, if the first vector data is in a passing relationship with a dot represented by the second coordinate information, the color of the position specified by the second coordinate information being determined based on the position specified by said second coordinate information, said first vector data produced by said vectorization unit and a color of a dot on said bitmap data, and then setting up said color determined thereby for said target dot specified by said first coordinate information as amended in claim 3.

The Final Office Action states that in Okazaki '399, the color is represented as an intensity value (col. 6, lines 30-67). Applicant notes that an X-Ray imaging system does produce intensity values but displays those values in monochrome. Colors cannot be produced from an X-Ray imaging device.

In the Advisory Action, the Examiner admits the intensity values of Okazaki '399 are seen in monochrome, but considers the varying monochromatic values indicative of color. This is inaccurate; color is not the same in any way to monochrome. The examiners goes on to allege that it is well known in the art to use intensity values as pseudo color as well as principles of monochromatic representation which can be applied to other color systems such as those using CMY. The Applicant is unclear at what "CMY" refers. In addition, there is no suggestion of to use intensity values as pseudo color as well as principles of monochromatic representation which can be applied to other color systems in Okazaki '399. Applicant requests a piece of art to show the well known nature of this principle.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 3 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the zooming and smoothing device of Ishida '978 with the X-Ray device of Okazaki '399.

Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 103(a) be withdrawn.

Claims 7-9, 18, 23, and 27-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishida '978 in view of Karidi et al (US 2003/0123094, hereinafter referred to as "Karidi '094"). Applicant respectfully traverses this rejection.

In the current application, the bitmap data is already prepared and stored in the transformation rule retention unit before transformation. (Embodiment 2, Fig. 12). In contrast, Ishida '978 does not teach that the bitmap data is prepared and stored in the transformation rule retention unit before transformation. Further, the portions of Ishida '978 cited in the Office Action are related to Figs. 10 and 11. Fig. 10 of Ishida '978 illustrates the scanning of the raster-scan binary image data outputted by the binary image acquisition unit 1, as well as the scanning of the raster-scan binary image data which enters the outline extraction unit 2. (Fig. 10, Col. 2 lines 1-4). Fig. 11 of Ishida '978 illustrates an example of extraction of contour edge vectors between a pixel of

interest and the pixels neighboring. (Fig. 11, Col. 2, lines 16-18). Accordingly, Fig. 10 is not related to a “transformation rule” of before, and Fig. 11 is not related to a “transformation rule” of after. Instead of using the existing “transformation rule,” Ishida ‘978 discloses extracting means for extracting contour vectors of an image from a binary image each time.

The Final Office Action goes on to admit that Ishida ‘978 does not disclose or even suggest a transformation rule having a pair of information on certain part of the bitmap, the transforming comprising checking whether or not the information on certain part of the bitmap data obtained by the bitmap data acquisition unit matches the information on certain part of bitmap data retained by the rules retention unit; and if matched, replacing the information on certain part of bitmap data obtained by the bitmap data acquisition unit with a pair of information indicating vector data having an image resulting from the transformation of the certain part, yet alleges Karidi ‘094 does.

Nevertheless, Karidi ‘094 does not remedy the deficiencies of Ishida ‘978, as the various features recited above are also absent from Karidi ‘094. For example, Applicant’s claimed features of “a bitmap data storage unit for storing bitmap data before transformation” and “a data transformation unit for transforming part of said bitmap data according to said rule, checking whether or not the information on certain part of bitmap data obtained by the bitmap data acquisition unit matches the information on certain part of bitmap data retained by the rule retention unit,” are neither disclosed or suggested by Karidi ‘094.

Karidi ‘094 discloses a method and apparatus for producing text images with improved smoothness in horizontal, vertical and slanted edges and for hole mending and dot removal. In essence, Karidi ‘094 provides a means for smoothing the jagged outline of reconstructed text. Applicant’s claimed invention improves on the conventional approach of smoothing jaggies of Karidi ‘094. With regard to the fine details of a design, those portions from which a contour image can hardly be gained fail to reappear on a reproduced bitmap image that underwent the size-reduction process. In other words, a reproduced image that underwent the contour filling may give an impression differing from the original image, like in the case of Karidi ‘094. In contrast,

Applicant's claimed invention attempts to have an arrangement where bitmap data has jaggy-less smoothed outlines can be obtained as the bitmap data after transformation, thereby reducing the impression that the reproduced image is differs from the original.

The Advisory Action indicates that for claims 7-9, 18, 23, and 27-29, the Applicant believed Okazaki '399 was used as an art rejection. As can be seen in the Response to the Final Action and in this Pre-appeal Brief, Applicant discusses how the Applicant's invention overcomes Karidi '094.

With regard to claims 7-9, 18, 23, and 27-29, the examiner indicates the term "jaggy-less" smoothed outlines is not expressly stated in the claims. Again, Applicant respectfully disagrees with the examiner. The claims themselves indicate the process of "jaggy-less" smoothed outline. The smoothing of the image reduces the impression that the reproduced image is different than the original.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 7 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine zooming and smoothing device of Ishida '978 with a jaggy smoothing technique of Karidi '094.

Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 103(a) be withdrawn.

Dated: February 6, 2009

Respectfully submitted,

By 

Maulin M. Patel

Registration No.: 56,029

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorney for Applicant